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In re Application of)
Li Wen Liu et al.)
Application No. 09/628,567)
Filed: July 31, 2000)
Attorney Docket No. 4144)
For: AN IPOS TRANSACTION SYSTEM)

DECISION ON PETITION

This is a decision on the petition, filed August 12, 2003, via facsimile transmission, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to respond a timely manner to the non-final Office action of January 16, 2003. A Notice of Abandonment was mailed on July 29, 2003.

Petitioner states that a response was timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt of an amendment and a petition for a three-month extension of time by the US Patent and Trademark Office (USPTO) on July 21, 2003. A copy of the papers filed July 21, 2003 was also submitted.

The papers filed July 21, 2003 are not of record in the application file and cannot be located¹. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that a Response was received in the USPTO but lost after receipt thereof. The copy of

1 Although the papers are not in the file record, the application finance record indicates that the \$930.00 fee for the extension of time has been collected with an accounting date of July 23, 2003.

the amendment submitted July 21, 2003, bears a certificate of mailing under 37 CFR 1.8(a) dated July 16, 2003, which makes the response acceptable as being timely filed.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The copy of the response submitted on August 12, 2003, is accepted since the USPTO has apparently misplaced the response originally submitted.

The application file is being forwarded to the Technology Center Technical Support Staff for entry of the amendment. From there, the file will be returned to the examiner for further examination.



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